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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,256	08/05/2003	William E. Baucum JR.	09763-0102	7044

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EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3/

Office Action Summary	Application No.	Applicant(s)	
	10/634,256	BAUCUM ET AL.	
	Examiner	Art Unit	
	Michael Rutland-Wallis	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant clearly states on page 2 of the remarks "Claims 1-8 and 17-20 are cancelled with the enclosed amendment". However in the amends to the claims it appears only claims 7-8 and 16-20 have been cancelled. Applicant also state "The Examining Attorney has correctly identified that claims 8-16 directed to a method of utilizing a temporary power connector". However this is not the grouping described in the restriction requirement, group II consists of claims 9-16 not claims 8-16.

After a careful review of applicant's response it is seen by the examiner that is was an oversight by applicant and that applicant attempted to correctly identify group II and cancel all other claims drawn to nonelected inventions.

Therefore this reply will be treated as applicant's election without traverse of group II claims 9-16 and the remainder of this action will treat claims 1-6 as cancelled based on applicant's remarks.

In reply to this action applicants should correctly identify group II claims 9-16 the elected claim grouping and confirm claims 1-8 are indeed cancelled.

Response to Arguments

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Applicant's arguments, filed December 23, 2005 with respect to the rejection of claims 9-16 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made below.

Drawings

Applicant states on page 2 of the remarks "more "formal drawings"" are enclosed and applicant allege the examiner improperly directed applicant to a competent draftsman. The only previous drawings received in this application were submitted on 11/24/03 and 08/05/03 and neither of those sets of drawings were in compliance with 37 CFR 1.121(d). Nevertheless the new formal drawings submitted on 12/23/05 are considered formal and to be in compliance with 37 CFR 1.121(d), hence the previous objection to the drawings is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Skoglund (U.S. Pat. No. 5,268,850).

With respect to claim 9 Skoglund teaches utilizing a temporary power connector having a cord with at least two electrically insulated conductors (items 30C and 30U) therein, a first end (see connecting to item 38A) and an opposing second end, a first male plug (item 38A) on the first end, and a second male plug (item 40) on the second end, said method comprising the steps of: a) opening at least one breaker (item 22) in an electrical distribution system of a building (see column 4 line 55 – column 5 line 21 Skoglund teaches switch 22 is opened to disconnect the main AC power) , said electrical distribution system normally powered by an alternating power source (item 11); b) plugging the first male plug (item 38A) into a first outlet (item 10) of the electrical distribution system downstream of the opened at least one breaker; and c) plugging the second male plug into a second outlet (item 18) of an alternative power source (item 16), said alternative power source providing alternating current to a selected portion of the electrical distribution system downstream of the at least one breaker through the second outlet.

With respect to claim 10 Skoglund teaches the first outlet further comprises a first 120 volt male plug into a first 120 volt outlet. Skoglund describes the AC power from the first outlet is provided from a AC utility power source and is described as 120 volts see column 4 lines 15-30.

With respect to claim 11 Skoglund teaches the second male plug into the second outlet further comprises plugging a second 120 volt male plug into a second 120 volt outlet. Skoglund describes the AC power from the generator is provided to equivalent from an AC utility power source and is described as 120 volts.

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With respect to claim 13 Skoglund teaches the electrical distribution system further comprises an electrical distribution box (item 21) and the step (see column 4 line 55 – column 5 line 21 Skoglund teaches switch 22 is opened to disconnect the main AC power) of opening the at least one breaker further comprises opening the main breakers coming into the electrical distribution box from the normal alternating current power source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoglund (U.S. Pat. No. 5,268,850).

With respect to claim 12 Skoglund teaches the method of claim 9 but is silent on the teaching of the first male plug is plugged into the first outlet prior to plugging the second plug into the second outlet. It would have been obvious to one of ordinary skill in the art at the time of the invention to plug the first plug in prior to the second plug as one would want to power a load from the AC utility power first without having to activate the generator or alternative source.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoglund (U.S. Pat. No. 5,268,850) in view of Austin et al (U.S. Pat. No. 4,131,805).

Skoglund teaches device of claim 13 where a first and second plugs are plugged into a first conventional wall outlet and second outlet for connecting to a conventional electrical appliance. Skoglund is silent on the other voltages of a conventional wall outlet. Austin teaches a conventional wall outlet typically is 120 volts or 240 volts (column 2 lines 15-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 240 volt outlets in order to supply power to larger loads such as a washer, dryer or air conditioner.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoglund (U.S. Pat. No. 5,268,850) in view of Weiner (U.S. Pat. No. 6,476,519).

Skoglund teaches device of claim 9 but does not teach the step of securing undesired loads from the selected portion of the electrical distribution system. Weiner teaches the step of securing undesired loads (non-critical loads) from other critical loads in the distribution system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Skoglund to securing undesired loads from the selected portion of the electrical distribution system in order to power the selected loads for a longer duration.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foulapour (U.S. Pat. No. 6,608,264) teaches a similar electrical connector to that claimed, Greenberg (U.S. Pat. No. 3,466,453), Bentivolio (U.S. Pat. No. 5,118,301), Carlton (U.S. Pat. No. 5,395,264), Reid (U.S. Pub. No. 20050176266) all teach similar electrical connectors and method of use to that disclosed in the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW


LYNN FEILD
SUPERVISORY PATENT EXAMINER
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